

## **ZONING BOARD OF APPEALS MEETING MINUTES**

**FEBRUARY 6, 2006**

**PRESENT:** Mary Cardin, Robert Palozej, Mark Spurling, William Harford and Alternate Robert Wambolt

**ABSENT:** Kenneth Braga, Aaron Rossow and Alternate Joseph Snyder

### **STAFF**

**PRESENT:** Lisa Houlihan, ZEO and Reanna Goodreau, Recording Secretary

### **I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

### **II. PUBLIC COMMENTS: NONE**

### **III. PUBLIC HEARINGS:**

1. #V200521— Ellington Congregational Church for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule & Section 5.3 Reduced Lot Area: to allow a lot to have an area of 27, 543 square feet on property located at 76 Main Street, APN 063-042-0000 in an A Zone.

**TIME:** 7:01 p.m.

**SEATED:** M. Cardin, R. Palozej, W. Harford and R. Wambolt

Chairman Cardin noted that there were only four members seated for this application. Attorney Capossela requested that the board hear the presentation and only close the hearing. He also requested that the members not present tonight familiarize themselves with the record so that they can vote on the application at the next meeting.

Attorney Capossela explained that there is always a challenge providing a legal hardship, but that the proposal is in harmony with the neighborhood and does not disagree with the Plan of Conservation and Development. He presented an assessor's map outlining the subject parcel. Attorney Capossela explained that the existing home is run down and is very close to the street, so it appears that the additional land is not a part of that property. He noted that the property was jointly purchased by the church, Jim Prichard, and the Francis family. He explained that the proposal is to have the house remain on a 27,000 square foot lot with land being added to the

church, Prichard and Francis properties. Attorney Capossela stated that they cannot comply with the regulations because of the location of the structures on the lot and the physical characteristics of the surrounding properties. He presented a plan outlining how the land would be divided.

Commissioner Wambolt stated that his concern of providing the location of parking has been addressed. Attorney Capossela stated that the reason for not making the house parcel larger is because it would defeat the purpose of the purchase for the Francis family. Chairman Cardin asked that they show the location of the property if it was 40,000 square feet. Attorney Capossela reiterated that making the house lot larger would defeat the purpose of the purchase for the Francis family. Chairman Cardin stated that she did not see a legal hardship. Attorney Capossela noted that the granting of this variance would not undermine zoning.

Mike Francis, 80 Main Street, stated that this is the church's last chance to provide additional parking. He noted that this proposal is the only logical option. Chairman Cardin stated that the church could have parking and comply with the regulations.

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200521—ELLINGTON CONGREGATIONAL CHURCH.**

2. #V200601—Edward Bloniarz for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule, Section 5.3a(1) Front Yards on Corner Lots and Section 5.3g1(a) Additional Yard Requirements: to reduce front yard setback along Hall Road from 35' to 18' and to reduce front yard setback from 60' to 57' for a 10' x 8' shed on property located at 251 Sandy Beach Road, APN 129-074-0000 in a LR Zone.

**TIME:** 7:28 p.m.

**SEATED:** M. Cardin, R. Palozej, W. Harford, M. Spurling and R. Wambolt

Chairman Cardin read a letter from the WPCA Administrator dated January 20, 2006 into the record.

Thomas Gracewski, nephew of the applicant, came forward to explain the application. He explained that his uncle has built an 8' x 10' shed on his property. The purpose of the new shed was to replace a shed that was removed without his permission. He noted that there is no foundation for the shed.

The commission discussed the WPCA Administrator's letter. Lisa Houlihan, ZEO, stated that the letter was for information purposes only and that enforcing it is not under the purview of the ZBA. The commission also discussed the possible hardship of being on a corner lot and the size of the lot.

Earl Melendy, 253-255 Sandy Beach Road, expressed his concern with the application. He stated that he has a civil issue with the placement of the shed in a right-of-way granted to him. He distributed a packet of information that included pictures of the shed and the deed.

Mike Francis, 80 Main Street, stated that his family owns property on Hall Road and was never notified of this application. The commission had a discussion about whether or not they should continue the hearing to require additional mailings. Several members of the board noted their concerns about granting the variance.

**MOVED (SPURLING), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200601—EDWARD BLONIARZ.**

Chairman Cardin stated that she did not see a hardship. Commissioners Palozej and Wambolt expressed their concern about granting a variance when no one lives at the property.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND DENIED UNANIMOUSLY TO APPROVE #V200601— EDWARD BLONIARZ.**

#### **IV. UNFINISHED BUSINESS:**

##### **1. General Discussion of Zoning Regulations**

Reanna Goodreau explained that the Planning and Zoning Commission (PZC) should be starting the Plan of Conservation and Development updates very soon. She explained that the PZC will be requesting input from all commissions and encourages at least one representative from each commission to attend the workshops. She noted that zoning regulations wouldn't be done until after the Plan updates.

Chairman Cardin and Commissioner Spurling noted that they would like to meet with the PZC Chairman to discuss certain regulation changes.

**CONTINUED TO THE MARCH 6, 2006 MEETING.**

##### **2. Discussion of Interpretation of When a Variance is Required**

**TABLED TO THE MARCH 6, 2006 MEETING.**

#### **V. NEW BUSINESS: NONE**

#### **VI. ADMINISTRATIVE BUSINESS:**

##### **1. Approval of the January 9, 2006 Special Meeting Minutes**

**MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 9, 2006 SPECIAL MEETING MINUTES.**

##### **2. Correspondence: NONE**

**VII. ADJOURNMENT:**

**MOVED (SPURLING), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO  
ADJOURN THE MEETING AT 8:03 PM.**

Respectfully Submitted,

Reanna Goodreau  
Recording Secretary